

1 ENGROSSED SENATE
2 BILL NO. 233

By: Simpson of the Senate

3 and

4 Hardin of the House
5

6 An Act relating to soldiers and sailors; amending 44
7 O.S. 2011, Section 209, as amended by Section 154,
8 Chapter 304, O.S.L. 2012 (44 O.S. Supp. 2016, Section
9 209), and 72 O.S. 2011, Section 48, as amended by
10 Section 645, Chapter 304, O.S.L. 2012 (72 O.S. Supp.
11 2016, Section 48), specifying certain leave of
12 absence from civil employment; and providing an
13 effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 44 O.S. 2011, Section 209, as
16 amended by Section 154, Chapter 304, O.S.L. 2012 (44 O.S. Supp.
17 2016, Section 209), is amended to read as follows:

18 Section 209. All officers and employees of the state or a
19 political subdivision thereof who are members of the Oklahoma
20 National Guard or any reserve component of any branch of the United
21 States military, shall, when ordered by proper authority to active
22 or inactive service, be entitled to a leave of absence from civil
23 employment for the period of active service, without loss of status
24 or efficiency rating. During the first thirty (30) calendar days
for employees of political subdivisions or the first thirty (30)
regular scheduled work days for state employees, or not to exceed

1 two hundred forty (240) hours, of the leave of absence in any
2 federal fiscal year, the officers or employees shall receive their
3 full regular pay from the employing state agency or political
4 subdivision. During the remainder of the leave of absence in any
5 federal fiscal year, the employing state agency or political
6 subdivision may elect to pay them an amount equal to the difference
7 between the officers' or employees' full regular pay from the
8 employing state agency or political subdivision and their Oklahoma
9 National Guard or United States military reserve component pay,
10 except that state officers and employees shall receive the
11 difference between their full regular pay and their Oklahoma
12 National Guard or United States military reserve component pay when
13 they are ordered by proper authority to active or inactive service
14 retroactive to the date that the state officer or employee reported
15 to active service on or after September 11, 2001, during the period
16 that Operation Enduring Freedom is in effect, or any subsequent
17 contingency operation declared by the Secretary of Defense. The
18 durational limit of protected military service as provided for in
19 this section shall not be less than that provided by federal law.
20 If it is necessary in the public interest to provide for the
21 performance of the duties of their positions during such absence,
22 the authority having power to fill a vacancy in the positions may
23 appoint substitutes, to be known as acting incumbents, who shall
24 qualify as required for the regular incumbents and shall receive the

1 same pay, including benefits and pay adjustments, as fixed by law,
2 if any, or otherwise such pay, including benefits and pay
3 adjustments, as may be fixed by proper authority.

4 The Office of Management and Enterprise Services shall
5 promulgate rules as necessary to implement the provisions of this
6 section that relate to state employees.

7 SECTION 2. AMENDATORY 72 O.S. 2011, Section 48, as
8 amended by Section 645, Chapter 304, O.S.L. 2012 (72 O.S. Supp.
9 2016, Section 48), is amended to read as follows:

10 Section 48. All officers and employees of the state or a
11 political subdivision thereof who are members, either officers or
12 enlisted, of the National Guard or any branch of the United States
13 Military or its reserve components, shall, when ordered by the
14 proper authority to active or inactive duty or service, be entitled
15 to a leave of absence from such civilian employment for the period
16 of such service without loss of status or seniority. During the
17 first thirty (30) calendar days for employees of political
18 subdivisions or the first thirty (30) regularly scheduled work days
19 for state employees, or not to exceed two hundred forty (240) hours,
20 of such leave of absence in any federal fiscal year, the officers or
21 employees shall receive their full regular pay from the employing
22 state agency or political subdivision. During the remainder of such
23 leave of absence in any federal fiscal year, the employing state
24 agency or political subdivision may elect to pay the officer or

1 employee an amount equal to the difference between their full
2 regular pay from the employing state agency or political subdivision
3 and their military pay, except that state officers and employees
4 shall receive the difference between their full regular pay and
5 their Reserve Components pay when they are ordered by proper
6 authority to active or inactive service retroactive to the date that
7 the officer or employee reported to active service on or after
8 September 11, 2001, during the period that Operation Enduring
9 Freedom is in effect, or any subsequent contingency operation
10 declared by the Secretary of Defense. The durational limit of
11 protected military service as provided for in this section shall not
12 be less than that provided by federal law. If it is necessary in
13 the public interest to provide for the performance of the duties of
14 their positions during such absence, the authority having power to
15 fill a vacancy in the positions may appoint substitutes, to be known
16 as acting incumbents, who shall qualify as required for the regular
17 incumbents and shall receive the same pay, including benefits and
18 pay adjustments as fixed by law, if any, or otherwise such pay,
19 including benefits and pay adjustments, as may be fixed by proper
20 authority.

21 The Office of Management and Enterprise Services shall
22 promulgate rules as necessary to implement the provisions of this
23 section that relate to state employees.

24 SECTION 3. This act shall become effective November 1, 2017.

